

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION  
NO. 04-11924-RGS

\_\_\_\_\_  
IAN J. BROWN, JAMES BROWN and  
BARBARA BROWN  
Plaintiffs,

v.

UNITED STATES OF AMERICA,  
VERIZON NEW ENGLAND, INC. and  
BOSTON EDISON COMPANY d/b/a  
NSTAR ELECTRIC  
Defendants.  
\_\_\_\_\_

**ANSWER OF DEFENDANT VERIZON NEW ENGLAND, INC.  
TO CO-DEFENDANT UNITED STATES OF AMERICA'S CROSS-CLAIM**

Now comes the defendant, Verizon New England, Inc. ("Verizon") and responds to the cross-claim against Verizon by The United States of America (the "USA") in corresponding paragraph numbers as follows:

1. Admitted.
2. Admitted.
3. Verizon is currently without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the USA's Cross-Claims Against Verizon New England and The Boston Edison Company.
4. Admitted.
5. Admitted.

**Count I**  
**(Contribution Against Verizon)**

6. In response to paragraph 6 of the USA's Cross-Claims Against Verizon New England and The Boston Edison Company, Verizon repeats its responses to paragraphs 1 through 5 of same and incorporates them by reference as if fully set forth herein.

7. The statement of jurisdiction is a conclusion of law to which no response is required.

8. Denied that Verizon is liable to either the Plaintiff or the USA.

**Count II**  
**(Contribution Against Boston Edison)**

The allegations contained in paragraphs 9-11 of the USA's Cross-Claims Against Verizon New England and The Boston Edison Company, are directed at Boston Edison, and no response by Verizon is required.

**FIRST AFFIRMATIVE DEFENSE**

Count I of the USA's Cross-Claims Against Verizon New England and The Boston Edison Company fails to state a claim against Verizon upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

If the plaintiff, Ian Brown, was damaged as alleged, then he cannot recover from the defendants because his negligence exceeds the negligence of the defendants.

**THIRD AFFIRMATIVE DEFENSE**

If the plaintiffs were damaged, then such damage was caused in whole or in part by a person or persons for whose conduct Verizon is not legally responsible.

**FOURTH AFFIRMATIVE DEFENSE**

The USA's cross-claim against Verizon is barred by the applicable statute of limitations and/or repose.

**WHEREFORE**, Verizon prays that the USA's claims against it be dismissed, and that it be awarded costs and reasonable attorneys' fees.

Respectfully submitted,

VERIZON NEW ENGLAND, INC.

By its attorneys,

/s/ Joshua A. Lewin  
William A. Worth, BBO #544086  
Joshua A. Lewin, BBO# 658299  
PRINCE, LOBEL, GLOVSKY & TYE LLP  
585 Commercial Street  
Boston, MA 02109  
(617) 456-8000

Date: February 27, 2006

**Certificate of Service**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 27, 2006.

/s/ Joshua A. Lewin